

**Miscellaneous Responsibilities of the
Victim Compensation and Government Claims Board**

(not Victims of Crime Program, Restitution or Tort Claims Act related)

(4/1/01)

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Miscellaneous Claims Statutes:

**California Constitution, Art. 10A, § 6.
Venue**

The Board of Supervisors of Sacramento County may apply to the SBOC for the actual costs the county incurs as a result of venue being in Sacramento County for certain causes of action pursuant to this provision of the state constitution.

Civil Code § 846.1

An owner of real property who gives permission for public access for recreation pursuant to an agreement with a public or nonprofit agency and is sued by someone attempting to prevent access may present a claim to the State Board of Control for reasonable attorney's fees incurred in the civil action under conditions specified in the statute.

Fish and Game § 1122

Claims for damages relating to the lease of real property for fish hatcheries.

Fish and Game § 15512

Claims for destruction of diseased plants and animals.

Food and Agriculture § 1122

Claims against district agricultural associations

Government Code § 8652

Claims for property taken under the Emergency Services Act.

Government Code § 11014

Claims for construction and maintenance of communication lines.

Health & Safety Code § 13052

Claims against the state for costs of firefighting.

Health & Safety Code § 25370

Claims for hazardous waste disposal cleanup.

Health & Safety Code § 121270

Claims against the AIDS Vaccine Victims Compensation Fund shall be filed with the SBOC. Hearings are to be conducted pursuant to the formal APA. See additional requirements.

Penal Code § 4900

Claims for erroneously convicted persons

Penal Code § 11163

A health practitioner may present a claim to the State Board of Control for reasonable attorney's fees incurred in any action against that person on the basis of that person making a mandated report of abuse, gunshot or self-inflicted injury.

Penal Code § 11172

A mandated reporter may present a claim to the State Board of Control for reasonable attorney's fees and costs incurred in any action against that person on the basis of making a report of child abuse if the court has dismissed the action upon a demurrer or motion for summary judgment made by that person.

Public Resources Code § 4116

Any claim for damages arising against the state under Section 4114 or 4115 shall be presented to the State Board of Control in accordance with Part 3 (commencing with Section 900) and Part

4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code and if not covered by insurance shall be payable only out of funds appropriated by the Legislature for such purpose. If the state has elected to acquire liability insurance the State Board of Control may automatically deny any such claim.

Public Resources Code § 4602.6, § 5093.68

If a timber operator believes that a forest officer lacked reasonable cause to issue or extend a stop order pursuant to Section 4602.5, the timber operator may present a claim to the State Board of Control pursuant to Part 3 (commencing with Section 900) of Title 1 of the Government Code for compensation and damages resulting from the stopping of timber operations.

Public Resources Code § 30171.2

Claims for refund of agricultural conversion fees.

Welfare and Institutions Code § 15634

A mandated reporter may present a claim to the State Board of Control for reasonable attorney's fees and costs incurred in any action against that person on the basis of making a report of elder or dependent care abuse if the court has dismissed the action upon a demurrer or motion for summary judgment made by that person.

Travel and Per Diem Expenses

For elected state officials:

Government Code § 8902

Session per diem expenses for members of the legislature

Government Code § 13920

For elected state officers and judicial branch employees

Government Code § 11031

Elected constitutional officers are required to file a statement of their headquarters with the SBOC

For Judges:

Code of Civil Procedure § 77

Judges serving in the appellate department of a superior court in a county other than the county in which the judge resides who is required to be out of the county of residence overnight shall receive per diem expenses in amounts paid to Supreme Court judges pursuant to SBOC rules.

Government Code § 68502.5

The Trial Court Budget Commission shall receive actual and necessary expenses for travel, board, and lodging in accordance with the rules of the State Board of Control.

Government Code § 68503

Members of committees of the Judicial Council shall receive their actual and necessary expenses for travel, board, and lodging, in accordance with the rules of the Board of Control.

Government Code § 68506

Salaries and expenses incurred by officers and employees of Judicial

Council shall be audited by the Controller in accordance with the rules of the Board of Control.

Government Code §68542

Judges assigned to superior or municipal court outside their own county shall be paid under the rules adopted by the Board of Control which are applicable to officers of the state provided for in Article VI of the California Constitution while traveling on official state business.

Government Code § 68543

The extra compensation and expenses for travel, board, and lodging of judges sitting in the Supreme Court and courts of appeal under assignments made by the Chairperson of the Judicial Council shall be paid by the state under the rules adopted by the Board of Control which are applicable to officers of the state provided for in Article VI of the Constitution while traveling on official state business.

Government Code § 68543.5, 68543.8

Retired judges assigned to serve in a trial court shall be allowed expenses for travel, board, and lodging incurred under the rules adopted by the Board of Control which are applicable to officers of the state provided for in Article VI of the Constitution while traveling on official state business.

Government Code § 68565

Members of the Judicial Council's court interpreters advisory panel shall be allowed necessary expenses for travel, board, and lodging incurred in the discharge of their duties under the rules adopted by the Board of Control.

Rules of Court Rule 4.162

Jurors who are sequestered receive expenses for lodging, meals, mileage, and parking up to state Board of Control limits.

Interpreter's and translators receive actual mileage, per diem and lodging expenses incurred in connection with the trial, up to state Board of Control limits.

State Trial Court Rule 1501

Travel expenses for assigned judge and other necessary judicial officers and employees are determined pursuant to rules of the State Board of Control,

**Counsel Payment Guidelines,
Guideline 3**

Expenses of appointed counsel representing indigent defendants are paid pursuant to rules of the SBOC.

For others:

Food and Agriculture § 14978.2

Members of the Commercial Feed Inspection Committee

Food and Agriculture § 52295

Members of the Seed Advisory Board

Government Code § 15202

Counties may be reimbursed excess costs for prosecution of homicide but not for costs in excess of the SBOC rates for travel and per diem.

Government Code § 11007.6

The SBOC may adopt rules and regulations for state agencies insuring employees against injury or death incurred while flying on state business in other than regularly scheduled passenger aircraft.

Government Code § 11030

The SBOC shall adopt rules for the return of bodies of employees who die while traveling on state business.

Government Code § 26749

Sheriffs shall receive expenses necessarily incurred in conveying insane persons and prisoners as allowed by the State Board of Control.

Penal Code § 987.9

Counties may be reimbursed funds paid to defense counsel in capital cases in amounts not to exceed Board of Control standards for travel and per diem expenses.

Penal Code § 1557

Payments to state agencies for the return of fugitives will be made in accord with the rules of the Board of Control.

Welfare and Institutions Code § 4461

The SBOC shall approve vouchers for the return of developmentally disabled persons to other states.

Welfare and Institutions Code § 14171.5, 14171.6

Costs of audit of provider of health care services includes travel, and incidental expenses at rates allowable by State Board of Control rules.

Miscellaneous Fiscal Responsibilities

Civil Code § 1789.37

Any money which the Controller determines was erroneously deposited in the State Treasury pursuant to this statute regulating check cashing businesses may be refunded upon approval of the SBOC out of any money

in the Treasury available for that purpose.

Code of Civil Procedure § 1345, 1346

The Controller may order the return or refund of erroneously received unclaimed property or money with the approval of the SBOC.

Code of Civil Procedure § 1370

The Controller, with the prior approval of the State Board of Control, may sell or lease personal property at any time, and in any manner, and may execute such leases on behalf and in the name of the State of California.

Code of Civil Procedure § 1371

The Controller, with the prior approval of the State Board of Control, may sell, or otherwise dispose of any securities and all other classes of personal property.

Code of Civil Procedure § 1375

With the approval of the State Board of Control, the Controller may sell or lease without published notice any real property.

Code of Civil Procedure § 1379

With the prior approval of the State Board of Control, may destroy or otherwise dispose of any personal property other than cash deposited in the State Treasury.

Code of Civil Procedure §1563

The Controller may sell securities not listed on an established stock exchange over the counter at prevailing prices or, with prior approval of the State Board of Control.

Education Code § 12117

The Donated Food Revolving Fund may only be used, in accordance with law and the Board of Control rules.

Education Code § 24618

Losses or gains resulting from overpayment or underpayment of contributions to the State Teachers Retirement System may be written off subject to limits and approval of the SBOC.

Government Code § 11275

The SBOC shall approve transfer of funds to cover administrative costs when the state agency does not have funds available to cover those costs or for any other reason objects to the payment of those costs.

Government Code § 13300

The Board shall consider and adopt regulations submitted to it by the Controller or Department of Finance for state agency accounting systems.

Government Code § 13940 et seq

The Board shall discharge agencies from accountability for debts due the agency.

Government Code § 14084.

If at any time, in carrying out any agreement made pursuant to Section 14081, the required payment of reimbursements becomes a matter in dispute which cannot be resolved by the governing body and the director, it shall be brought before the State Board of Control, which shall conduct the necessary audits and interviews to determine the facts, hear both parties to the dispute, and make a final determination as to the reimbursement actually due.

Government Code § 16302.1

The SBOC may adopt rules and regulations to permit state agencies to retain overpayment of \$10 or less where demand for repayment is not made

Government Code § 16304.6

The SBOC may authorize that unneeded funds in any appropriation for the support of an institution, school, or college or for family care or private home care or for parole supervision activities within any of the following departments shall be available and be deemed appropriated for the support of any institution, school, or college or for family care or private home care or for parole supervision activities within the same department.

Government Code § 16383

The SBOC may adopt rules government warrants drawn by the Controller against the General Cash Revolving Fund.

Government Code § 17051.5

The SBOC shall adopt rules for the presentation and audit of claims.

Government Code § 17201

The State Board of Control may make rules and regulations governing the issuance and sale of registered warrants.

Government Code § 20163

SBOC shall adopt limits for writeoffs. These shall apply to contributions to PERS.

Health & Safety Code § 11502

The SBOC must approve refund of forfeited bail or fines erroneously deposited in the State Treasury.

Health & Safety Code § 50740.1.

Payments of claims against the rental housing construction fund must be approved by the State Board of Control .

Insurance Code § 11580.1

Automobile insurance policies may not preclude coverage for performance of volunteer work. Does not apply where insured receives compensation for insurance coverage in excess of the base rate plus inflation set by the SBOC in 1980-81.

Insurance Code § 11872

The SBOC will equitably resolve disputes over the amounts to be paid by designated state agencies to the State Compensation Insurance Fund.

Penal Code § 2786

Claims against the Inmate Welfare Fund for educational and recreational purposes at the various prison camps are subject to approval by the State Board of Control.

Streets and Highways Code § 30162

CalTrans may apply to the SBOC for discharge from accountability for collection of tolls where debtor is insolvent or if the cost of collection of any tolls would be excessive by reason of the smallness of the amount due.

Purchasing

Public Contract Code § 10301

The SBOC will resolve disputes between the DGS and state agencies as to whether a specific brand or trade name is the only article that will properly meet the needs of the agency.

Public Contract Code § 10306

The SBOC will resolve protests alleging that the bidder is the lowest responsible bidder meeting specifications.

Public Contract Code § 10308

The SBOC will resolve disputes between the DGS and state agencies as to the quality of

Public Contract Code § 12102

The SBOC shall resolve protests of RFPs for information technology goods and services.

Miscellaneous

Penal Code § 14030

The Attorney General with the Board of Control shall establish procedures to maximize federal funds for witness protection services.

Welfare and Institutions Code § 11212

The county welfare department shall reimburse foster parents the cost of burying foster children in an amount not to exceed the level of reimbursement allowed by the State Board of Control for burial costs and funeral expenses under its Victims of Violent Crimes program.

Responsibilities now arguably transferred to DPA

Government Code § 11030.2

SBOC shall adopt rule for reimbursement of actual and necessary expenses of employees working overtime

Government Code § 16341

The SBOC shall approve plans held by the state pursuant to a written agreement between the state and employees of the state for deferred compensation.

Government Code § 19815.4

Duties of the director of DPA include accession to rules previously adopted by SBOC.

Government Code 13332.09

The SBOC shall define “American-made vehicles of the light class” which shall be purchased by DGS for passenger-type vehicles for state officers and employees.

Labor Code § 4724

Persons claiming death benefits following the death of a state official shall file a claim with the SBOC.

Labor Code § 4725

The SBOC shall negotiate a fee to be paid to the State Compensation Insurance Fund for disbursing public official death benefits.

Labor Code § 4726

The State Board of Control and the Administrative Director of the Division of Workers' Compensation shall jointly adopt rules and regulations as may be necessary for payment of public official death benefits.